

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

20-CR-166-LJV
DECISION & ORDER

LUIS ACEVEDO-RIVERA,

Defendant.

1. On December 4, 2020, the defendant, Luis Acevedo-Rivera, pleaded guilty to a one-count information charging a violation of Title 21, United States Code, Section 841(a)(1) (possession with intent to distribute cocaine). Docket Item 38.

2. On December 4, 2020, the Honorable Michael J. Roemer, United States Magistrate Judge, filed a Report & Recommendation recommending that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty. Docket Item 40.

3. This Court has not received objections to the Report & Recommendation in accordance with Title 28, United States Code, Section 636(b)(1), and Rule 59(b) of the Federal Rules of Criminal Procedure, and the time to object now has expired.

4. This Court has carefully reviewed *de novo* Judge Roemer's Report & Recommendation (docket item 40), the plea agreement (docket item 38), the information (docket item 37), a transcript of the digital FTR recording of the plea proceeding (docket item 41), and the applicable law. This Court finds no legal or factual error in Judge Roemer's Report & Recommendation and therefore adopts Judge

Roemer's recommendation that the defendant's plea of guilty be accepted and that the defendant be adjudged guilty of count 1 of the information.

IT IS HEREBY ORDERED that this Court adopts Judge Roemer's December 4, 2020 Report & Recommendation, Docket Item 40, in its entirety, including the authorities cited and the reasons given therein, and it is further

ORDERED that the Court accepts the defendant's plea of guilty and defers acceptance of the plea agreement pursuant to Sentencing Guidelines Section 6B1.1(c), and the defendant, Luis Acevedo-Rivera, is now adjudged guilty under Title 21, United States Code, Section 841(a)(1).

SO ORDERED.

Dated: March 25, 2021
Buffalo, New York

s/ Lawrence J. Vilardo
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE